

Young carers and the Carers (Scotland) Bill

The **Carers (Scotland) Bill** was introduced to the Scottish Parliament in March 2015. This Bill is specifically for unpaid carers and will consolidate existing rights from other pieces of legislation as well as enshrining new rights in law.

There are specific provisions in the Bill for young carers around assessment (the Young Carers Statement) and involvement in care and support planning. Most of the Bill applies to all carers including young carers, and information about the Bill in general is available on <https://professionals.carers.org/policy-and-legislation-scotland#carersbill>

The Bill will modify Sections 24 and 24A of the Children (Scotland) Act 1995, and replace it with a section in the Carers (Scotland) Bill.

The Scottish Government have estimated that there are around 44,000 young carers in Scotland. This is an increase from the number of young carers identified through the Census in 2011 and is based on Scottish Health Survey data.

Young Carers Statement

The Carers (Scotland) Bill will make provisions for a Young Carers Statement (YCS) to be prepared for carers who are under 18, or over 18 but still at school. The young carer must have access to the information in this statement.

When a young carer reaches 18 and intends to continue caring, the YCS will continue to apply until there is an Adult Carer Support Plan (ACSP) in place.

Not all young carers will have a wellbeing need that requires a Child's Plan, but if a Child's Plan is already in place for a young carer, the YCS will be developed in addition to this so there is a document with a focus on their needs as a carer.

There will be a 'responsible authority' who is accountable for the YCS. The Scottish Government propose that it is the same authority who is the Named Person under the CYP Act, so:

- Health Board for pre-school children – in practice, a health visitor
- Local authority for children at state schools – in practice, the head teacher of the school
- The school itself for children at independent schools

The local authority who will be providing the support to the young carer must be informed about the YCS if they haven't prepared it themselves. If a YCS is prepared for a young carer, the responsible authority must inform the young carer's Named Person of this and provide them with the information in the statement.

The YCS will identify personal outcomes for the young carer, and must contain information about:

- The impact of caring on the young carer's wellbeing (referencing SHANARRI¹ guidelines)
- The extent to which the young carer is able and willing to provide care
- The extent to which the nature and extent of the care provided is appropriate
- The support which is needed, if any

¹ SHANARRI stands for Safe, Healthy, Achieving, Nurtured, Active, Respectful, Responsible and Included. Professionals and practitioners use the eight indicators to assess a child or young person's overall wellbeing and identify any concerns. <http://www.gov.scot/Topics/People/Young-People/gettingitright/background/wellbeing>

- The support that will be provided, under the duty to meet eligible needs and the power to meet non-eligible needs
- Whether a short break is needed

Young carer involvement

Local carers' strategies must be developed by local authorities. Young carers' needs and circumstances must be taken into account in these local strategies, either through a separate strategy or as part of the main strategy. Young carers will be involved in planning, shaping, delivering and reviewing of services, and there will be guidance about how to appropriately involve young carers in strategy development.

Local authorities will also be required to take into account the views of the young carer when determining the needs of the person who is being cared for, and deciding what services to provide and how to provide them.

Information and advice to carers

Local authorities will be under a duty to provide information and advice to carers. The information and advice must be accessible and proportionate to the needs of the person receiving it – so for young carers, it will have to be delivered in an age-appropriate format and context and take into account factors specifically affecting young carers such as education, transitions and plans for the future.

Parts of the Bill that could be strengthened or changed, and how this could be done for young carers and adult carers

	Instead of specifying a maximum waiting time for local authorities to provide a YCS, they will be required to set out intended timescales in their local carer strategy.	If local authorities are required to set out timescales in their local carer strategy, they must be required to set out reasonable timescales so that carers are not left waiting.
	Local authorities will have a duty to establish and maintain an information and advice service.	We think that emphasis should be placed on supporting and resourcing existing local carer support organisations and the wording should be changed to <i>'the local authority will have a responsibility to maintain an information, advice and service for carers and young carers, or establish a service where required.'</i>
	The requirement for Health Boards to submit a Carer Information Strategy will be repealed.	With the withdrawal of Carer Information Strategies there is no longer any requirements on Health Boards to identify and signpost carers to support. This will form part of the devolved function of integrated health and social care partnerships, but this does not fully replace the good practice established by Carer Information Strategies.
	The Government has said they will cover emergency planning in regulations, but that this planning would take place on an individual basis.	We believe that anticipatory and emergency planning is an important issue for carers and should always be part of the Adult Carer Support Plan or Young Carers Statement. While a carer may choose not to put

	arrangements in place, they should always have the option to do so.
Local authorities must set local eligibility criteria which will determine whether a carer is eligible for support	<p>National eligibility criteria is the only way to avoid a postcode lottery and to ensure that carers have access to the same rights and entitlements across Scotland. Locally-set criteria might mean that carers across Scotland are not able to access the same kinds of support depending on where they live.</p> <p>There is some provision in the legislation to establish national criteria through regulations, but this is not the default position.</p>
Carer involvement in hospital admission and discharge procedures	The proposals do not include a duty that would place a responsibility on health boards to inform and involve carers in hospital admission and discharge procedures.

What happens next?

The Carers (Scotland) Bill was introduced to the Scottish Parliament on 9 March 2015. Like all Scottish legislation it will go through a 3-stage process, allowing for debate, additional evidence to be gathered and amendments to be made. This allows opportunities for the Bill to be further strengthened and we will be working closely with the Scottish Government, MSPs and other decision-makers, carers and carers' services to ensure this happens. It will be important to get the voices of young carers heard in these discussions and we will be working closely with organisations such as SCCYP, the Scottish Youth Parliament, and other youth organisations to make sure that young people are consulted adequately.

Heather Noller

Carers Trust Scotland

hnoller@carers.org / 07827 914634